

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

KATHYRN C. RINCON

Plaintiff

v.

CURALEAF, INC.,

Defendant

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Case No. _____

NOTICE OF REMOVAL AND DEMAND FOR JURY TRIAL

Please take notice that pursuant to 28 U.S.C. §1446, defendant Curaleaf, Inc. (“Curaleaf”), by its attorneys, Jackson Lewis P.C., hereby removes this action from the Superior Court of the State of Vermont, Chittenden Unit, to the United States District Court for the District of Vermont.

In support of this Notice of Removal, the Retreat states as follows:

1. By Complaint dated December 22, 2023 and filed on or about that same day in the Vermont Superior Court, Chittenden Unit, Plaintiff Kathryn C. Rincon ("Rincon") filed a civil action against Curaleaf. In accordance with 28 U.S.C. § 1446(a), a copy of plaintiff's Complaint is attached hereto as Exhibit 1, a certified copy of which is to be forwarded as part of the state court record upon receipt of the record from the Superior Court, Chittenden Unit.

2. Pursuant to 28 U.S.C. §1446(a), this notice of removal is timely filed within thirty (30) days of December 22, 2023, the date on which counsel for Curaleaf received an unsigned copy of the Complaint and Summons in a Civil Action from counsel for Rincon with a request to accept service. Counsel for Curaleaf subsequently executed a Waiver of Service of Summons on or about January 8, 2024 in accordance with V.R.C.P Rule 4(1), and has returned the Waiver to counsel for Rincon.

3. Curaleaf has not served any answer or responsive pleading to the Complaint before the state court.

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332(a)(1) and §1441(a), and it may be removed to this Court by Curaleaf because, upon information and belief, the amount in controversy exceeds \$75,000, exclusive of interest and costs, and there exists complete diversity of citizenship between the parties in that:

a. Rincon is now, and was when this action commenced, a resident of the State of Vermont.

b. Curaleaf is a Delaware corporation with a headquarters office in Wakefield, Massachusetts.

c. A reasonable reading of the Complaint establishes that the \$75,000 amount in controversy requirement under 28 U.S.C. §1332(a)(1) is satisfied. Rincon claims damages, including but not limited to, lost wages, emotional distress, attorneys' fees and costs and punitive damages, arising out of the termination of her employment at Curaleaf.

5. As this Court would have had original jurisdiction of this action had it been filed in this Court, removal is proper pursuant to 28 U.S.C. §1441(a).

6. Curaleaf submits this Notice without waiving any defenses to the claims asserted by Rincon or conceding that Rincon has pled claims upon which relief can be granted.

Respectfully submitted,

CURALEAF, INC.

By its attorneys,

JACKSON LEWIS P.C.

Dated: January 22, 2024

/s/ John D. Prendergast

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Certificate of Service

I hereby certify that a copy of the foregoing was this day served to opposing counsel via email.

Dated: January 22, 2024

/s/ John D. Prendergast

John D. Prendergast